

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 07-297(6) DWF

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	MOTION FOR APPOINTMENT
v.)	OF COUNSEL
)	
LORENZO TERA Y GRAHAM,)	
)	
Defendant.)	

The defendant, Lorenzo Teray Graham, by and through the undersigned counsel, moves for appointment of counsel for purposes of resentencing pursuant to 18 U.S.C. § 3006A. The November 1, 2010, reduction to the Sentencing Guidelines' offense levels for offenses involving crack cocaine, became retroactive on November 1, 2011. The Federal Defender anticipates filing a motion for resentencing pursuant to 18 U.S.C. § 3582(c) shortly.

Mr. Graham's liberty is at stake. The Criminal Justice Act, codified at 18 U.S.C. § 3006A, provides that counsel shall be appointed whenever a person is charged with a felony, whenever a person is entitled to counsel under the Sixth Amendment, and whenever a person faces the loss of liberty. 18 U.S.C. § 3006A (a)(1). Mr. Graham is such an individual. The appointment of counsel is also allowed in certain circumstances when it is found to be in the interest of justice. 18 U.S.C. § 3006A (a)(2). The interests of justice call for the assistance of counsel in this case.

The defendant is currently incarcerated and is without sufficient funds to retain a lawyer to represent him in this matter. He has requested, either verbally or in writing, that the Office of the Federal Defender be appointed to represent him in this proceeding and file a motion on his behalf.

Based on the foregoing and on the file and record in this case, the Office of the Federal Defender asks to be appointed as counsel of record in this case.

Dated: January 24, 2012

Respectfully submitted,

s/Katherine M. Menendez

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